

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:25-cv-00014

Tristan Noah Benefield,
Plaintiff,

v.

Tyler Police Department,
Defendant.

O R D E R

Plaintiff Tristan Noah Benefield filed this action on January 14, 2025. Doc. 1. The case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b). On January 16, 2025, the magistrate judge issued a report recommending that the complaint be dismissed with prejudice as frivolous and for failure to state a claim. Doc. 4. No objections have been filed. Importantly, this lawsuit appears to have actually been filed by Kevin James Kohute. Benefield's filings bear the same handwriting and address as those by Kohute, and Kohute is a "well-known, vexatious litigant" who is currently subject to sanctions. Doc. 4 at 2.

When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff's action is dismissed with prejudice as frivolous and for failure to state a claim. Any pending motions are denied as moot.

To the extent that the action was filed by Kevin Kohute on behalf of Benefield, Kohute has been barred from filing any new lawsuits unless such lawsuit is filed by an attorney licensed to practice in the U.S. District Court for the Eastern District of Texas and the full filing fee is paid at the outset of the case. *See Kohute v.*

Nat'l Rifle Ass'n, No. 6:24-cv-00475, Doc. 6 (E.D. Tex. Jan. 29, 2025).

Kohute is further warned that, should he continue to file frivolous documents in violation of his sanctions, the court will impose additional sanctions against him, including potential monetary sanctions. *See Jackson v. Carpenter*, 921 F.2d 68, 69 (5th Cir. 1991) (cautioning a pro se litigant that the continued abuse of the legal system “will trigger increasingly severe sanctions, including the ultimate denial of access to the judicial system absent specific prior court approval”).

So ordered by the court on May 1, 2025.



J. CAMPBELL BARKER
United States District Judge